UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,729	11/16/1999	ERIC DAVID BLOCH	SGI-15-4-934	4930

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EXAMINER
DEMICCO, MATTHEW R

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 January 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.
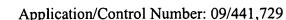
DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 1/9/04. Claims 1-19 are pending. Claims

7 and 11 are amended. The objections to the drawings and specification are hereby withdrawn in

light of the amendment. In the Introductory Comments, Applicant stated that there were no

known foreign equivalents and the previous Office Action was in error on this point. The

Examiner was referring to a list of references including PCTs and other international patent

publications filed concurrently with a power of attorney request on 9/3/02 (Paper Number 6).

Since these documents were not provided in hard copy, the Examiner was unable to fully

consider all references listed.

Response to Arguments

2.   Applicant's arguments filed with respect to claims 1-19 have been fully considered but

they are not persuasive.

        Regarding Applicant's argument that the Langford patent fails to teach rendering,

the Examiner refers to The American Heritage Dictionary, 4th Edition, which defines

"rendering" as "To convert (graphics) from a file into visual form, as on a video display."

Langford teaches the storing and playback of video data from a set of laser disk players

(Col. 4, Line 40 and Col. 5, Lines 4-14). As is well understood in the art, a laser disk

stores video and audio content in a digital format. Consequently, data stored on a laser

disk may be considered a file. The laser disk player converts the data into a visual form as

is well known in the art. It is also possible for the laser disk player to produce a digital bit

stream that will be converted into visual form by another device. This reads on the

claimed rendering. Further, Langford discloses the use of a disk drive for storage of video

and audio data (Col. 16, Lines 24-29). As is well known in the art, digital data stored on a

magnetic disk drive must be rendered prior to display. Langford clearly teaches the

playback and display or recording of a finished work as defined by an edit list including

segments from multiple video sources and transitions (Col. 7, Lines 38-43, Col. 6, Lines

10-14, Col. 3, Lines 30-36, Col. 9, Lines 26-28 and Col. 15, Lines 63-66).

3.   In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, Langford discloses a method for editing, playing back and recording video

clips from multiple *digital* sources. Langford also discloses the possibility of storing data on a

magnetic disk as stated above. DuLac discloses a storage network for storing video data on a

server using disks and for providing real time access to the data in a continuous transmission at

the proper rate for uninterrupted video display. DuLac clearly discloses a method for storing and

retrieving video data, which is an integral function of the invention of Langford. Therefore, as

previously asserted, it would have been obvious and desirable to combine the teachings of

Langford and DuLac in order to provide a video editing, playback and recording system that

could access libraries of video content over a network simultaneously with other such systems in

remote locations.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 5,206,929 to Langford et al. in view of U.S. Patent No. 5,790,794 to DuLac et al.

Regarding Claim 1, Langford discloses a video editing system (See Figure 2)

comprising a plurality of video sources (50) and a workstation for receiving video clips

(31) and displaying them (35). It is inherent in such a video editing system that a method

of playing media data is facilitated by the editing system. A user creates a playlist (Col. 4,

Lines 32-44) that specifies a first and second clip to be added to the production (Col. 4,

Lines 48-57). The user can display these playlist clips (See Figure 9) to preview cuts and

scenes. This reads on the claimed accessing a playlist wherein the playlist specifies a first

and second clip to be played. Further, the user may mark "in" and "out" frames of these

clips in the playlist to specify scenes to cut for inclusion in a finished production (Col. 7,

Lines 14-20). The software then identifies the groups of frames for each of the edits (Col.

4, Lines 47-57) and requests/receives (Col. 5, Lines 4-24) the specified frame-accurate

video data from the random access video sources (Col. 3, Lines 20-25). This reads on the

claimed translating the playlist into a plurality of frame accurate requests that specify first

and second respective frames of the first and second clip, transmitting the requests, and

receiving the frames. Further, it is inherent in any video editing system that in rendering

video frames, a predetermined framerate must be implemented and that the final video

production will be a seamless combination of first and second sets of frames. What is not

disclosed, however, is that the media data is stored over a data network or that the first

frame of the second set of frames is received prior to rendering of the last frame of the

first set of frames. DuLac discloses a video storage system wherein a plurality of servers

(See Figure 2, 52) store video data (See Figure 3) that is accessible over a

communications network (See Figure 2, 56) by a client workstation (54). DuLac further

discloses that it is necessary to maintain a continuous transmission of data at a proper rate

in order to assure that video display is uninterrupted (Col. 9, Lines 42-46). It is inherent

in such real-time network-based data delivery systems that data may be buffered on the

receiving side in order to ensure smooth playback, such that the first set of frames from

the second video source would be received and buffered before the last set of frames

from the first video source is exhausted. DuLac is evidence that ordinary workers in the

art would appreciate the ability to store large amounts of video data on multiple dedicated

server machines accessible over a network that can deliver the data in real-time.

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the method of Langford with the network-based

storage of DuLac in order to make a vast amount of video clip storage available to a

plurality of clients in diverse locations.

Regarding Claim 2, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford discloses that video content may be stored on multiple different sources (See Figure 2, 50). Further, DuLac discloses a method wherein multiple servers may be used to store video content (See Figure 2). Therefore, the combination of Langford in view of DuLac would disclose a first source comprising a first server coupled to the data network and a second source comprising a second server coupled to the network.

Regarding Claims 3 and 4, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford discloses a method wherein the first and second plurality of frame accurate requests each specifies a respective one of said first and second respective frames (Col. 4, Lines 47-57).

Regarding Claim 5, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford further discloses the use of a jog control (See Figure 13), which, as is well known in the art, is used to control the framerate of the video playback. This reads on the claimed method wherein the predetermined framerate is adjustable by a user.

Regarding Claim 6, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford further discloses a method wherein the media data comprises audio (Col. 5, Line 25) and video (Col. 5, Line 15).

Regarding Claim 7, Langford in view of DuLac disclose a system for playing media data over a network as stated above in Claim 1. DuLac further discloses a client computer (54) coupled to the data network. Langford discloses a client computer (31) with a user interface (See Figure 9) for receiving a playlist from a user as stated above.

Such a system that translates the playlist into a plurality of frame accurate requests must

inherently have a playback engine.

Regarding Claim 8, Langford in view of DuLac disclose a system as stated above

in Claim 7. DuLac discloses a system with first and second servers (See Figure 2) as

stated above wherein each server comprises data storage (See Figure 3) for storing said

first and second clips.

Regarding Claim 9, Langford in view of DuLac disclose a system as stated above

in Claim 7. Langford discloses a system wherein the user interface (See Figure 9) allows

a user to specify a beginning frame and ending frame of a clip to be played as stated

above.

Regarding Claims 10 and 11, Langford in view of DuLac disclose a system as

stated above in Claim 7. Further, a system is disclosed wherein a first and second

plurality of frame accurate requests each specifies a respective one of the first and second

plurality of frames as stated above in Claims 3 and 4.

Regarding Claim 12, Langford in view of DuLac disclose a system as stated

above in Claim 7. Further, a system is disclosed wherein the predetermined framerate is

adjustable by the user as stated above in Claim 5.

Regarding Claim 13, Langford in view of DuLac disclose a system as stated

above in Claim 7. Further, a system is disclosed wherein the media data comprises audio

and video data as stated above in Claim 6.

Regarding Claim 14, Langford in view of DuLac disclose a system for playing

media data over a network as stated above in Claim 1. It is inherent in such a computer-

based system that a computer readable medium (memory) containing computer readable

code (software) be disclosed.

Regarding Claim 15, Langford in view of DuLac disclose a medium as stated

above in Claim 14. Further disclosed is a system wherein the first and second source

comprise a first and second server coupled to the network as stated above in Claim 2.

Regarding Claim 16 and 17, Langford in view of DuLac disclose a medium as

stated above in Claim 14. Further, a system is disclosed wherein a first and second

plurality of frame accurate requests each specifies a respective one of the first and second

plurality of frames as stated above in Claims 3 and 4.

Regarding Claim 18, Langford in view of DuLac disclose a medium as stated

above in Claim 14. Further, a system is disclosed wherein the predetermined framerate is

adjustable by a user as stated above in Claim 5.

Regarding Claim 19, Langford in view of DuLac disclose a medium as stated

above in Claim 14. Further disclosed is a system wherein the media data comprises audio

and video data as stated above in Claim 6.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155.

The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrd

April 1, 2004

VIVEK SRIVASTAVA
PRIMARY EXAMINER